

## Message Text

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ACTION NEA-11

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TO SECSTATE WASHDC 8015  
INFO AMEMBASSY AMMAN  
AMEMBASSY CAIRO  
AMEMBASSY DAMASCUS  
AMCONSUL JERUSALEM  
AMEMBASSY JIDDA  
AMEMBASSY KUWAIT  
USLO RIYADH  
AMEMBASSY TEL AVIV  
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 1 OF 2 BEIRUT 2784

E.O. 11652: GDS  
TAGS: UN, PLO, LE, MARR  
SUBJECT: RELATIONSHIP BETWEEN UNSC RESOLUTION 425 AND CAIRO  
AGREEMENT.

### 1. BACKGROUND AND SUMMARY.

A. SINCE THE ENACTMENT OF U.N. SECURITY COUNCIL RESOLUTION  
425 ON MARCH 19, THERE HAS BEEN A RUNNING CONTROVERSY OVER  
THE RESOLUTION'S MEANING AND APPLICABILITY. ON THE ONE  
HAND, THE LEBANESE FRONT HAS MAINTAINED BOTH IN PUBLIC AND  
IN PRIVATE THAT RESOLUTION 425 MEANS THE ABROGATION OF THE  
CAIRO ACCORDS. ON THE OTHER HAND, THE PALESTINIANS HAVE  
NEVER ACKNOWLEDGED THAT THEY ARE BOUND BY RESOLUTION 425 AND  
HAVE CONTINUED TO INSIST THAT THE CAIRO AGREEMENT OF 1969  
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AND RIYADH SUMMIT RESOLUTION OF 1976 GOVERN THEIR PRESENCE  
IN SOUTH LEBANON. THE PALESTINIANS HAVE ALSO REFRAINED  
FROM SAYING EITHER IN PUBLIC OR PRIVATE THAT THEY WOULD  
RESPECT A CEASE-FIRE IN SOUTH LEBANON, ALTHOUGH THEY HAVE  
PROMISED TO HELP UNIFIL DISCHARGE ITS MISSION OF ENSURING  
ISRAELI WITHDRAWAL FROM SOUTH LEBANON.

B. INTERVIEWS OF UNIFIL COMMANDER EMANUEL ERSKINE AND SAIQA LEADER ZUHAYR MUHSIN IN THE MAY 15 ISSUE OF THE WEEKLY MONDAY MORNING RELATE TO THIS CONTROVERSY. ERSKINE SAYS THAT UNIFIL'S MISSION AND THE CAIRO ACCORDS ARE "IN CONFLICT", WHILE MUHSIN SAYS THAT THE PLO IS "NOT A PARTY TO RESOLUTION 425." (ACCORDING TO AVAILABLE TEXTS, THE CAIRO AGREEMENT GRANTS THE FEDAYEEN "FACILITIES OF PASSAGE" AND "POINTS OF PASSAGE" IN THE "BORDER REGIONS", WHILE RESOLUTION 425 CALLS FOR UNIFIL TO ASSIST THE GOVERNMENT OF LEBANON IN "ENSURING THE RETURN OF ITS EFFECTIVE AUTHORITY IN THE AREA.")

2. INTERVIEW WITH GENERAL ERSKINE.

A. FOLLOWING ARE EXCERPTS FROM ERSKINE'S INTERVIEW WITH MONDAY MORNING:

B. "IF BY THE TERMS OF THE CAIRO AGREEMENT THEY (THE PALESTINIANS) ARE SUPPOSED TO BE OPERATING IN THE AREA, AND WE ARE SUPPOSED TO PREVENT ARMED PERSONNEL IN THE AREA, THEN THE AGREEMENT AND OUR MISSION ARE IN CONFLICT." ERSKINE ALSO ASSERTED THAT: "THE CAIRO AGREEMENT IS NOT FOR THE U.N. TO SORT OUT. IT IS BETWEEN HIM (ARAFAT) AND THE LEBANESE AUTHORITIES."

C. THE FOLLOWING ARE ADDITIONAL QUESTIONS AND CONFIDENTIAL

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ANSWERS FROM THE INTERVIEW:

D. ASKED "THE WAY OUT" OF THE PRESENT IMPASSE, ERSKINE REPLIED: "IT MAY BE NECESSARY FOR THE PLO TO STOP INFILTRATION. I KNOW IT MAY BE DIFFICULT FOR THEM TO DO SO--FROM THEIR POINT OF VIEW. BUT IF THEY DON'T, THAT WILL PUT US IN CONFRONTATION--AND WE'VE MADE IT CLEAR THAT WE ARE NOT AT WAR WITH ANYBODY; WE DON'T WANT TO FIGHT ANYBODY. WE HAVE TO ASSIST THE LEBANESE GOVERNMENT TO ESTABLISH ITS OWN AUTHORITY IN THE AREA, AND AS SOON AS THAT IS DONE, I SUPPOSE THAT IT WILL BE THE TIME FOR THE U.N. TO PULL OUT. THEN, OF COURSE, IT'S VERY MUCH BETWEEN THE LEBANESE GOVERNMENT AND ARAFAT HIMSELF TO SORT IT OUT."

E. ASKED, "WHOSE TASK IS IT TO INSURE THE WITHDRAWAL OF ISRAELI FORCES," ERSKINE REPLIED: "WE ARE HERE TO 'CONFIRM' THE WITHDRAWAL OF THE ISRAELI TROOPS, NOT TO DRIVE THEM OUT BY FORCE. THAT IS NOT UNIFIL'S MISSION."

F. ASKED TO COMMENT ON ARAFAT'S STATEMENT LAST WEEK THAT THE PLO DOES NOT RECOGNIZE ANY CEASE-FIRE IN SOUTH

LEBANON, ERSKINE REPLIED: "AS FAR AS I AM CONCERNED,  
WE HAVE ARRANGED A CEASE-FIRE WITH THEM AND IT IS WORKING.  
THERE IS NO SHOOTING IN THE AREA."

G. ASKED, "IS THERE ANY CHANCE OF THE U.N. FORCE  
TURNING INTO A DETERRENT FORCE?," ERSKINE REPLIED:  
"OUR MANDATE IS PEACEKEEPING, WE STICK TO THAT."

3. ZUHAYR MUHSIN INTERVIEW.

A. FOLLOWING ARE EXCERPTS FROM MUHSIN'S INTERVIEW WITH  
MONDAY MORNING:

B. "WE ARE NOT A STATE AND ARE, THEREFORE, NOT A  
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PARTY TO RESOLUTION 425. WE ARE NOT COMMITTED TO ITS  
IMPLEMENTATION. WE ARE A REVOLUTION, AND OUR DUTY IS  
TO INFILTRATE THE OCCUPIED TERRITORIES AND HIT ENEMY  
TARGETS THERE. WE WILL DO SO, WHETHER INTERNATIONAL,  
ARAB OR ANY OTHER FORCES TRY TO STOP US OR NOT. IN THE  
PAST, THE LEBANESE ARMY USED TO TRY TO PREVENT US FROM  
CROSSING THE BORDER INTO OCCUPIED TERRITORIES, AND WE  
KNOW HOW TO GET PAST THAT WALL ALONG WITH THE WALL THAT  
THE ENEMY PUT UP."

C. "THE U.N. FORCES' ATTITUDE WILL DEFINITELY LEAD TO  
OCCASIONAL ARMED CLASHES. BUT THE PLO'S OFFICIAL POLICY IS  
BASED ON THE NECESSITY OF AVOIDING ANY CLASH WITH THE  
INTERNATIONAL FORCES WHILE AT THE SAME TIME ESTABLISHING  
OUR PRESENCE AND OUR RIGHT TO MILITARY ACTION WITHIN THE  
LIMITS OF THE (LEBANESE-PALESTINIAN) AGREEMENTS..."

D. "I DON'T THINK THESE (UN) FORCES ARE CAPABLE OF  
HANDLING THE POLITICAL AND SOCIAL PROBLEMS IN SOUTH LEBANON.  
IN OTHER WORDS, I DON'T THINK THEY CAN IMPLEMENT THE  
PROVISION IN THE SECURITY COUNCIL RESOLUTION WHICH PERTAINS  
TO THE REESTABLISHMENT OF STATE AUTHORITY IN THE SOUTH..."

E. "TODAY, ALTHOUGH WE REMAIN COMMITTED TO AVOIDING CLASHES  
WITH THE U.N. FORCES, WE WILL FIND A WAY TO GET PAST THE  
WALL THEY ARE TRYING TO PUT UP. WE HAVE PROMISED NOT TO  
SHELL THE OCCUPIED AREAS FROM LEBANESE TERRITORY, AND WE  
WILL HONOR THAT PROMISE UNLESS WE ARE FIRST SHELLED BY  
THE ENEMY. BUT WE WILL CONTINUE TO STRIKE AT THE ENEMY  
INSIDE OCCUPIED TERRITORIES."

F. "WE HAVE NO OBJECTION TO (THE FRENCH) PRESENCE IN THE  
TYRE BARRACKS, AS LONG AS THEY DON'T SEND PATROLS AROUND  
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THE CITY."

G. "WE FEEL NO URGENT NEED TO SEEK A PERMANENT PRESENCE  
IN THE FRONT-LINE VILLAGES IN SOUTH LEBANON AND CAN, WITH-  
IN A SHORT PERIOD, DISPENSE WITH PRESENCE IN THE AREA  
OCCUPIED BY THE ISRAELIS. . . BUT NOTHING WILL PREVENT US  
FROM CROSSING INTO ISRAEL THROUGH THOSE FRONT-LINE VILLAGES,  
MOUNTING OUR OPERATIONS THERE AND RETURNING TO OUR BASES..."

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R 171442Z MAY 78

FM AMEMBASSY BEIRUT

TO SECSTATE WASHDC 8016

INFO AMEMBASSY AMMAN

AMEMBASSY CAIRO

AMEMBASSY DAMASCUS

AMCONSUL JERUSALEM

AMEMBASSY JIDDA

AMEMBASSY KUWAIT

USLO RIYADH

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C O N F I D E N T I A L SECTION 2 OF 2 BEIRUT 2784

H. "THE U.N. TROOPS HAVE A RIGHT TO INTERVENE  
IN CASE OF ATTEMPTED INFILTRATION, BUT NOT WHEN A  
PALESTINIAN OR OTHER GROUP IS RETURNING (FROM ISRAEL)."

I. "NOW ASSAD IS REQUIRED TO SHAKE HANDS WITH SADAT. IF  
HE AGREES, THE SITUATION IN LEBANON WILL CALM DOWN. IF HE  
REFUSES, THEY WILL RELAUNCH THE BATTLES IN LEBANON TO KEEP

SYRIA BUSY, TO EXHAUST IT. LEBANON, IN OTHER WORDS, IS A  
TOOL OF PRESSURE BEING USED AGAINST SYRIA...."

4. THE POINTS AT DIFFERENCE.

A. THE CONTROVERSY OVER THE MEANING OF RESOLUTION 425 AND  
THE CAIRO ACCORD REVOLVES AROUND PALESTINIAN ARMED  
PRESENCE IN SOUTH LEBANON AND LEBANESE SOVEREIGNTY. THE CAIRO  
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AGREEMENT WAS SIGNED ON NOVEMBER 3, 1969 BY EMILE BUSTANI,  
THEN COMMANDER IN CHIEF OF THE LEBANESE ARMY, AND YASIR  
ARAFAT. ACCORDING TO THE TEXT PUBLISHED BY AN NAHAR AND  
THE RESPECTED "FICHES DU MONDE ARAB," THE TWO SIDES  
AGREED INTER ALIA ON THE FOLLOWING:

-- "THE RIGHT OF WORK, RESIDENCE AND MOVEMENT OF PALESTINIANS  
PRESENTLY RESIDING IN LEBANON."

-- "THE AUTHORITY OF PALESTINIANS RESIDING IN LEBANON TO  
PARTICIPATE IN THE PALESTINIAN REVOLUTION THROUGH THE  
INTERMEDIARY OF THE ARMED STRUGGLE WITHIN THE FRAMEWORK  
OF THE PRINCIPLES OF LEBANON'S SOVEREIGNTY AND ITS SECURITY."

-- "GRANTING FACILITIES OF PASSAGE TO THE FEDAYEEN AND  
DETERMINING THE POINTS OF PASSAGE AND OBSERVATION IN THE  
BORDER REGIONS." (ACCORDING TO AVAILABLE TEXT OF THE  
MELKART AGREEMENT, AN ANNEX TO THE CAIRO ACCORD CONCLUDED  
IN MAY 1973, PERMANENT PALESTINIAN PRESENCE WOULD BE LIMITED  
SOUTH OF A DEMARCATION LINE FIVE TO TEN KILOMETERS FROM  
THE ISRAELI BORDER TO ONE FIXED POST OF 250 MEN AT HADASA  
AND THREE FIXED POSTS OF 30-35 MEN EACH AT ABU KHAMBA, AL  
KHURAYBAH AND RASHAYAH AL-FAKHAR.)

-- "IT IS ACCEPTED THAT THE LEBANESE AUTHORITIES, CIVILIAN  
AND MILITARY, WILL CONTINUE TO EXERCISE THEIR COMPLETE  
PREROGATIVES AND RESPONSIBILITY IN ALL REGIONS OF LEBANON  
AND UNDER ALL CIRCUMSTANCES."

-- "THIS AGREEMENT WILL REMAIN ULTRA SECRET AND ONLY THE  
COMMANDS MAY HAVE KNOWLEDGE OF IT."

B. U.N. SECURITY COUNCIL RESOLUTION 425, ADOPTED MARCH 19,  
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1978, CALLS INTER ALIA FOR:

-- "STRICT RESPECT FOR THE TERRITORIAL SOVEREIGNTY AND POLITICAL INDEPENDENCE OF LEBANON WITHIN ITS INTERNATIONALLY RECOGNIZED BORDERS."

-- THE ESTABLISHMENT OF A UNITED NATIONS INTERIM FORCE FOR SOUTHERN LEBANON (UNIFIL) "FOR THE PURPOSE OF CONFIRMING THE WITHDRAWAL OF ISRAELI FORCES, RESTORING INTERNATIONAL PEACE AND SECURITY AND ASSISTING THE GOVERNMENT OF LEBANON IN ENSURING THE RETURN OF ITS EFFECTIVE AUTHORITY IN THE AREA....."

C. THE LEBANESE FRONT CLAIMS THAT THE U.N. SECURITY COUNCIL'S CALL FOR THE RESTORATION OF LEBANESE SOVEREIGNTY AND AUTHORITY IN SOUTH LEBANON MEANS ABROGATION OF THE CAIRO AGREEMENT.

D. THE PALESTINIANS, HOWEVER, ASSERT THAT THE 1976 CAIRO AND RIYADH SUMMIT MEETINGS, IN WHICH THE GOL PARTICIPATED, FORMALLY ENDORSED THE CAIRO AGREEMENT AS THE BASIS FOR THE PALESTINIAN PRESENCE IN LEBANON, AND THAT THEREFORE THE GOL CANNOT UNILATERALLY REVOKE THE AGREEMENT. THE PLO EXECUTIVE COMMITTEE ON APRIL 25, FOR EXAMPLE, ISSUED A COMMUNIQUE SAYING THAT "LEBANESE SOVEREIGNTY IS BASED ON ONE OF ITS FUNDAMENTAL ASPECTS ON LEBANON'S CONCERN TO REMAIN COMMITTED TO THE AGREEMENTS IT CONCLUDED... ABOVE ALL THE ARAB SUMMIT RESOLUTIONS" (BEIRUT 2399). THE EXECUTIVE COMMITTEE ALSO NOTED THAT "THE PALESTINIAN ARMED PRESENCE AND ACTION HAS (SIC) A PAN-ARAB CHARACTER... AND IS ABSOLUTELY NOT AN INTERNAL QUESTION CONCERNING THIS OR THAT STATE."

E. SOME OF THE MEMBERS OF THE GOL, SUCH AS FUAD BOUTROS, HAVE ASSERTED PRIVATELY THAT THEY BELIEVE UNSC 425 DOES IN EFFECT ABROGATE THE CAIRO AGREEMENT. THE GOL HAS NOT, CONFIDENTIAL

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HOWEVER, TAKEN A PUBLIC POSITION ON THE MATTER.

5. COMMENT: THE LEGAL PROBLEM HAS SEVERAL ASPECTS. FOR EXAMPLE:

-- CAN A SOVEREIGN STATE MAKE AN AGREEMENT WITH AN ENTITY NOT ITSELF A STATE ALLOWING THE LATTER TO CONDUCT MILITARY OPERATIONS AGAINST ANOTHER STATE, WITHOUT VIOLATING ITS OWN SOVEREIGNTY AND WITHOUT VIOLATING ITS OBLIGATIONS UNDER THE UNITED NATIONS CHARTER?

-- DOES THE PRECEDENCE OF A UNSC RESOLUTION OVER DOMESTIC LEGISLATION MEAN, IN THIS CASE, THAT THE LATTER IS NULL

AND VOID, OR DOES IT MEAN THAT THE UN RESOLUTION ITSELF  
MUST BE INTERPRETED IN THE CONTEXT OF THAT LEGISLATION?  
IT CAN BE ARGUED (ALTHOUGH WE DO NOT) THAT SINCE THE CAIRO  
AGREEMENT ITSELF EXPLICITLY REAFFIRMS LEBANESE SOVEREIGNTY,  
THE RIGHTS GRANTED THE PALESTINIANS THEREIN COME WITHIN THE  
SCOPE OF THE LEBANESE AUTHORITY WHICH THE UN IS SUPPOSED  
TO HELP RESTORE.

6. THERE IS NOT GOING TO BE ANY MEANINGFUL RESOLUTION  
OF THE LEGAL QUESTIONS, IF ONLY BECAUSE THERE IS NO TRIBUNAL  
OR JURISPRUDENCE ON EARTH WHICH IS COMPETENT TO PASS ON  
THE RELATIONSHIPS BETWEEN "INTERNATIONAL LAW" AND "REVOLUTIONARY  
LAW." IT WOULD BE BEST FOR ALL PARTIES CONCERNED WITH THE  
SOUTH LEBANON QUESTION TO REFRAIN FROM LEGAL ARGUMENTATION  
AND CONCENTRATE ON FINDING PRAGAMATIC SOLUTIONS TO THE  
PROBLEMS RAISED BY THE CONFLICT BETWEEN THE UNIFIL MANDATE  
TO ESTABLISH PEACE IN SOUTH LEBANON AND THE PALESTINIAN  
DETERMINATION TO CARRY ON THE STRUGGLE FOR A PALESTINIAN  
STATE IN PALESTINE.

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## Message Attributes

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